

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

DAVID GEORGE CHANDLER,

Civil Case No. 08-962-ST

Plaintiff,

OPINION AND ORDER

vs.

MAX WILLIAMS, Director Oregon Department of Corrections; **R. COURSEY**, Acting Superintendent Eastern Oregon Correctional Institution; **DON MILLS**, Superintendent TRCI, until recently, super at EOCI; **RANDY GEER**, Chief of Inmate Services Oregon Department of Corrections; **R. MCGRAW**, Transitional Services Manager at EOCI; **GEORGIANNA EMERY**, employed as institutional counselor at EOCI,

Defendants.

David George Chandler
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Eastern Oregon Correctional Institution
2500 Westgate
Pendleton, OR 97801-9699

Pro Se Plaintiff

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KING, Judge:

The Honorable Janice Stewart, United States Magistrate Judge, filed Findings and Recommendation on December 21, 2010. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure. Decisions on dispositive issues under 28 U.S.C. § 636(b)(1)(B) are reviewed de novo. United States v. Raddatz, 447 U.S. 667, 673 (1980); Bhan v. NME Hospitals, Inc., 929 F.2d 1404, 1414 (9th Cir. 1991). When a party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a de novo determination of that portion of the Magistrate's report. 28 U.S.C. § 636(b)(1)(C); United States v. Remsing, 874 F.2d 614 (9th Cir. 1989). Defendants object to the Magistrate Judge's conclusion that there was a genuine issue of material fact on whether defendants had responded reasonably to a substantial risk of serious harm to a group of inmates, and therefore that defendants were not entitled to summary judgment in their favor.

I have considered defendants' objections and given the Findings and Recommendation de novo review, and find no legal error or clearly erroneous factual findings. Accordingly, I ADOPT the Magistrate Judge's Findings and Recommendations (doc. # 111). Defendants' Motion for Summary Judgment (doc. # 66) is GRANTED as to Claims II, IV and V, and

defendants Geer and Clark are dismissed. Defendants' Motion for Summary Judgment is DENIED as to Claims I and III, with leave to renew the motions after completion of discovery.

IT IS SO ORDERED.

Dated this 7th day of March, 2011.

/s/ Garr M. King
Garr M. King
United States District Judge